IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO: 21294 of 2004

Between:

The Management John Memorial (Aided) Elementary School, Vengalaraonagar, Kavali, Nellore District rep., by its Correspondent Dr.G.Devadanam, S/o George, R/o Post Box No.4,ABM Compound, Kavali 524 201, Nellore District.

.... PETITIONER

AND

1 The Govt. of A.P., rep., by its Secretary for School

Education, Secretariat Buildings, Hyderabad.
2 The Commissioner/Director of School Education,

Lakdikapool,Hyderabad.
3 The Regional Joint Director of School Education, Guntur

Region, Guntur.
4 The District Educational Officer, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents as illegal, irregular and in violation of the G.O.Ms.No.65, GAD, dt.15-2-1997 in not treating the Single Solitary Post of John Memorial Aided Elementary as Single Solitary Post as per G.O.Ms.No.65, GAD, dt.15-2-1997 and not releasing the teaching grant attached to the post by setting aside the impugned proceedings in Rc.No.1061/C1/2004, dt.5-8-2004, issued by the 4th respondent herein, in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MS.K.N.VIJAYA LAXMI

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following:

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ORDER:

Petitioner is the management of a single teacher aided elementary school. The District Educational Officer (4th respondent) issued proceedings dated 03.4.2003 granting permission to the petitioner to fill up single teacher S.G.T aided post. In pursuance of the said proceedings, one S.Sai Reddy was appointed as a teacher and the said appointment was approved by the District Educational Officer in his proceedings dated 15.7.2003 and so, petitioner issued proceedings dated 16.7.2003 appointing the said S.Sai Reddy as single teacher in its school. Thereafter, the 4th respondent addressed a letter to the Commissioner/Director of School Education (2nd respondent) with a request to release grant stating that the post may be considered as a solitary post. Second respondent addressed a letter to the 4th respondent stating that post cannot be treated as solitary post as per G.O.Ms.No.65, dated 15.2.1997. Therefore, petitioner filed this petition questioning the proceedings in Rc.No.1061/C1/2004, dated 5.8.2004 informing the petitioner that the post filled in by it cannot be treated as single solitary post.

2. Heard both sides.

3. The contention of the learned Government Pleader is that since as on the date of recommendation of the Deputy Inspector of Schools, Urban Range, Nellore the strength of the school was 43 and since the single teacher school can have strength of only 40, the school of the petitioner cannot be treated as a single teacher school, and so the appointment of Sri S.Sai Reddy without following the rules of reservation, is not valid.

4. Admittedly, there is only one sanctioned post. Though there is an increase in the strength of students in the school, Government admittedly did not sanction another post of teacher to the school being run by the petitioner. It is well known that rule of reservation does not apply to a single post. So as long as there is only one teacher in the petitioner school it cannot be compelled to follow the rule of reservation.

5. Therefore the writ petition is allowed and the proceedings in Rc.No.1061/C1/2004, dt.5.8.2004 are quashed and the respondents are directed to treat the school being run by the petitioner as single teacher school and proceed accordingly in respect of the appointment of Sri S.Sai Reddy. No costs.

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C.Y.SOMAYAJULU, J

Dated: 30.03.2005

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Wednesday the 30th day of March Two thousand and Five.

ASSISTANT REGISTRAR

To

1. The Secretary for School Education, Govt. of A.P., Secretariat Buildings, Hyderabad.
2. The Commissioner/Director of School Education, Lakdikapool, Hyderabad.
3. The Regional Joint Director of School Education, Guntur Region, Guntur.
4. The District Educational Officer, Nellore District.

5 2 CCs to G.P for School Education, High Court Buildings,

Hyderabad (OUT)

5. 2 CD copies.

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